

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES****Docket Number (Optional)**  
29474-5007US1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postages as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on **18 October 2005**.

Signature: Jeannette Rayfield

Typed or printed name: Jeannette Y. Rayfield

**In re Application of:**

Gerd Gellissen et al.

**Application Number:** 10/042,059**Filed:** October 25, 2001**For:** Nucleic Acid Molecule Comprising A Nucleic Acid Coding For A Polypeptide With Chorismate Mutase Activity**Art Unit:** 1636**Examiner:** David LambertsonApplicant(s) hereby **appeal(s)** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

**\$500.00**

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

☒ A check is enclosed in the amount of **\$500.00** for the Notice of Appeal fee.

☒ A second check in the amount of \$510.00 is also enclosed to correct a previous underpayment by Applicants. Applicants previously submitted and paid for a petition for a three (3) month extension of time for response to the final office action on October 6, 2005. However, in the petition, Applicants mistakenly paid as "small entity" rather than "large entity." This present check for \$510.00 will remedy this deficiency.

☐ Payment by credit card. Form PTO-2038 is attached.

10/21/2005 HVUDNG1 00000003 10042059

01 FC:1401  
02 FC:1253500.00 DP  
510.00 DP

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.  
I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0573**. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is Enclosed. (Form PTO/SB/96)

☒ attorney of agent of record.  
Registration Number: 48,463

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34:

Signature: Thomas M. Sosson, Jr.

Typed or printed name: Thomas M. Sosson, Jr., Ph.D., J.D.

Telephone Number: 215-988-2562Date: 18 October 2005

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.\*

☒ Total of 1 forms are submitted.

JeP  
PHIP463317/1